

Criminology's Two Faces? Hans Gross and the Method of Police Investigation

Gal Hertz

The last decade of the nineteenth century represents a turning point in relation to crime in Europe, a time that Richard Wetzell called “inventing the criminal”: making the criminal a focus of social interest and an object of scientific research. Hans Gross (1851-1915) was a judge and professor of law, known as the father of forensic criminology in Austria. He played a central role in establishing this academic discipline as well as in developing a wide range of pollical investigative practices and crime-scene study methods. However, alongside his empirical research on crime, Gross endorsed social Darwinism and the discourse of social degeneration, and supported the sterilization and deportation of criminals. How can these conflicting aspects of his work be reconciled? In this paper I argue that the scientific basis for Gross's criminology reflected an imperial-liberal view of normativity, in the spirit of that period, which served as the basis for the profiling not only of delinquent individuals but especially of “non-normative” social groups. The adoption of the degeneration discourse in Gross's later writing reflects a shift in the general conception of normativity in light of the rise of national ideology in the Habsburg monarchy: a shift from class-based to ethnic-based (nationalistic) exclusion. Due to its practical nature, Gross's work allows us to examine these changes through the close relationship between criminology, normative ideologies and police practices. This analysis can also shed light on current debates on racial profiling, which go beyond the liberal horizon of thought.